

REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

Formal Matters

Claims 1, 2, 4-10, 21, 22, 24-26 and 30 are currently pending in the application. Claims 7, 21, 22, 24 and 26 are amended, claims 3 and 23 are canceled, and claims 11-20 and 27-29 have previously been canceled. Specifically, claim 7 is amended to correct a minor error. Claims 21, 22 and 24 are amended to more clearly recite that the steps are performed by a program stored on a computer. Claim 26 is amended to be an independent claim, incorporating all of the features of claim 25 and removing the reference to claim 25. Care has been taken to ensure no new matter is being entered.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statement filed on April 17, 2006.

Specification

The Examiner objects to the specification because of informalities. Accordingly, a substitute specification in compliance with 37 CFR 1.52(a) and (b) is submitted herewith. In this substitute specification, applicant amends “transmission line” to either “transmission line or wireless transmission path” or “transmission line or path”, to have the specification and claims correspond. Applicant also amends the specification to replace “a program executed by a computer (or processor)” with “a program stored on a computer program storage device, the program executed by the computer (or processor)”. No new matter has been added.

Claim Objections

The Examiner objects to claims 6-9, claims 21-24, and claim 26 because of informalities. The Examiner asserts that it is unclear why a transmission/reception device would transmit and

receive the same signal. Applicant respectfully points out that because the claimed device both transmits and receives signals, it could transmit and receive the same signal, such as a control signal. Moreover, the specification states that the control signal received by the image data distribution device and the control signal transmitted from the image reception device are the same control signal (page 16, line 24 to page 17, line 1). Thus the specification makes clear why a transmission/reception device would transmit a signal and receive the same signal.

Claim 7 is amended to correct “outputting a control signal to path transmission line” to be “outputting a control signal to transmission path”.

As discussed above, claims 21, 22 and 24 are amended to recite more clearly that the steps are performed by a program on a computer and the claims as amended recite “said program comprising instructions that cause the computer to perform steps of”. Claim 23 is canceled.

As discussed above, claim 26 is amended to be an independent claim, incorporating all of the features of claim 25 and removing the reference to claim 25.

Hence, withdrawal of these objections is respectfully requested.

Rejection of Claims Under 35 U.S.C. §112

Claims 21-24 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant herein amends the specification to explicitly state that the program which is executed by the computer (or processor) is stored on a computer program storage device. Applicant respectfully submits that this change does not introduce new matter into the specification. Instead, it is known to one of ordinary skill in the art that a computer program executed by a computer or processor can be stored on a storage device in a computer or processor, so that this change merely makes explicit what is implicit in the specification and claims. Hence, claims 21, 22 and 24 comply with the written description

requirement. Claim 23 is canceled. Withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103

Claims 1, 3, 6, 21, 23, 25 and 26 are rejected under 35 U.S.C. § 103(a) as unpatentable over Salokannel, U.S. Patent Application Publication No. 2001/0006552 and in further view of Harrell et al., U.S. Patent No. 7,274,661 (hereinafter “Harrell”). This rejection should be withdrawn based on the comments and remarks herein.

The Examiner acknowledges that Salokannel does not teach or suggest a control unit for controlling said encoder unit, but contends that Harrell teaches this feature. Applicant respectfully disagrees. Harrell teaches a media buffer in a client, the buffer detecting congestion and signaling the server that changes the encoded bit rate (column 8, lines 8-10). While Harrell discloses an encoded bit rate, he does not teach or suggest an encoder receiving and encoding a medium signal, and the Examiner does not state otherwise.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of Salokannel and Harrell does not disclose or suggest a control unit for controlling an encoder unit that receives and encodes a medium signal. Hence, this hypothetical combination does not disclose or suggest each and every feature recited in independent claims 1, 6, 21, 25, and 26, so that *prima facie* obviousness has not been established. Accordingly, these claims patentably distinguish over the art of record in the application. Claims 3 and 23 are canceled.

Withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103

Claims 2 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Salokannel

and in further view of Mor et al., U.S. Patent No. 6,952,397 (hereinafter “Mor”). This rejection should be withdrawn based on the comments and remarks herein.

The Examiner acknowledges that Salokannel does not teach or suggest an output control unit as recited in claims 2 and 22, but contends that Mor teaches this feature. Applicant respectfully disagrees. Mor teaches improving bidirectional ring networks having nodes (Fig. 4, column 5, lines 48-50). Mor does not teach or suggest either an encoder unit or an output control unit receiving the stream output from said encoder unit, said output control unit performing control to output the stream to the transmission path at a time interval different from a time interval at which the medium signal has been encoded by said encoder unit, as recited in claims 2 and 22. Hence, the hypothetical combination of Salokannel and Mor does not teach each feature of claims 2 and 22, so that *prima facie* obviousness has not been established. Accordingly, these claims patentably distinguish over the art of record in the application.

Withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103

Claims 4, 5 and 24 are rejected under 35 U.S.C. § 103(a) as unpatentable over Salokannel and in further view of Kumaki et al., U.S. Patent No. 6,473,411 (hereinafter “Kumaki”). This rejection should be withdrawn based on the comments and remarks herein.

The Examiner acknowledges that Salokannel does not teach or suggest a control unit outputting a control signal based on a notification from a monitor unit, but contends that Kumaki discloses this feature. Applicant respectfully disagrees. Kumaki discloses a mobile terminal that detects degradation of the received signal strength (column 45, lines 45-46). When degradation is detected, Kumaki teaches transmitting a handoff request message (column 45, lines 49-50). Kumaki does not teach or suggest a control unit outputting a control signal based on a

notification from the monitor unit if the wireless reception status indicates a handoff status, as recited in independent claims 4 and 24. Hence, the hypothetical combination of Salokannel and Kumaki does not teach each feature of independent claims 4 and 24, so that *prima facie* obviousness has not been established. Accordingly, these independent claims, and their dependent claim, claim 5, patentably distinguish over the art of record in the application.

Withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103

Claim 7 is rejected under 35 U.S.C. § 103(a) as unpatentable over Salokannel and in further view of Harrell and in further view of Mor. Claims 8 and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Salokannel and in further view of Kumaki and in further view of Harrell. Claims 9 and 30 are rejected under 35 U.S.C. § 103(a) as unpatentable over Salokannel and in further view of Kumaki and in further view of Mor. These rejections should be withdrawn based on the comments and remarks herein.

As discussed above, the hypothetical combination of Salokannel and Harrell does not teach or suggest an encoder receiving and encoding a medium signal, and does not teach or suggest a control unit for controlling such an encoder. Mor does not overcome this deficiency and the Examiner does not state otherwise. Thus the hypothetical combination of Salokannel and Harrell and Mor does not teach or suggest a control unit for controlling an encoder as recited in claim 7, so that *prima facie* obviousness has not been established. Accordingly, claim 7 patentably distinguishes over the art of record in the application.

Similarly, as discussed above, Salokannel does not teach or suggest a control unit for controlling an encoder that receives and encodes a medium signal. Kumaki does not overcome this deficiency, and the Examiner does not state otherwise. Kumaki teaches a router device to be

connected to the internet accommodating mobile terminals, and a datagram transfer method and a communication system using such a router device (column 4, lines 23-38). Kumaki does not teach or suggest an encoder receiving and encoding a medium signal, and does not teach or suggest a control unit for controlling such an encoder as recited in independent claims 8 and 9. Thus the hypothetical combination of Salokannel and Kumaki and/or Harrell and/or Mor does not teach or suggest a control unit for controlling an encoder as recited in independent claims 8 and 9, so that *prima facie* obviousness has not been established. Accordingly, these independent claims, as well as their dependent claims, claims 10 and 30, patentably distinguish over the art of record in the application.

Withdrawal of this rejection is respectfully requested.

Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,



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